

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 255 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANTABEN GANDUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

BY POST for Petitioner

MR. N.N.PANDYHA APP for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 15/03/96

ORAL JUDGEMENT

Rule. Mr. N.N.Pandya, learned APP waives the service of Rule on behalf of respondent State.

Shantaben Gandubhai Patel who is the wife of the convict Gandubhai Kanabhai Patel, has submitted this application for grant of Parole for seven days to her convict husband for the purpose of betrothal of their daughter. Earlier, she also made an application to the District Magistrate, Rajkot. However the said

application was turned down, observing that the cause of betrothal does not appear to be proper and that there is possibility of breach of peace. It transpires from the record that the prisoner was convicted way back in the year 1979, and thereafter, he was granted Parole leave on 34 occasions. He was also released on Furlough leave on several occasions. No untoward incident is reported to have taken place at any time, when the prisoner was so released. Mr. Pandya, learned APP has not been able to show any material, indicating that the prisoner would cause breach of peace, if released on Parole. The cause of betrothal of the daughter cannot be said to be improper and unjustifiable. The petitioner has also annexed necessary certificate to the effect that the daughter of the convict, Kailasben aged 20 years is of marriageable age and on her betrothal, marriage ceremony can be performed. In these facts and circumstances of the case, the convict deserves to be granted Parole as prayed for.

In the result, the prisoner Gandubhai Kanabhai Patel, Convict No. 33053 is granted Parole for seven days on usual terms and conditions. Rule is accordingly made absolute.
